

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

SAMANTHA WILKS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-18-080-KEW
)	
BNSF RAILWAY COMPANY,)	
a corporation,)	
)	
Defendant.)	

O R D E R

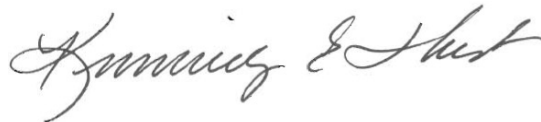
This matter comes before the Court on Defendant's Eighth Motion in Limine (Docket Entry #148). Defendant BNSF Railway Company ("BNSF") seeks to preclude Plaintiff from introducing evidence or argument on BNSF's investigation of her for the late reporting of her injury which is the subject matter of this action. One of Plaintiff's expert witnesses testified that BNSF "weaponized" the company rulebook to paint Plaintiff as a "rule breaker." BNSF seeks exclusion of this suggestion under Fed. R. Evid. 401 - that the evidence is irrelevant to the claims and defenses in this action and Fed. R. Evid. 403 - that the danger of unfair prejudice to BNSF substantially outweighs the probative value of the evidence.

Any investigation into Plaintiff's alleged late reporting of the injury is not relevant to the claims of negligence in this action. As such, they have no place in the evidence at trial.

This Court will address Plaintiff's motion in limine concerning the admissibility of any discipline received by Plaintiff for the late reporting in an Order on the relevant motion in limine on the subject.

IT IS THEREFORE ORDERED that Defendant's Eighth Motion in Limine (Docket Entry #148) is hereby **GRANTED**, in that evidence of BNSF's investigation into Plaintiff's alleged late reporting of her injuries is not admissible at trial.

IT IS SO ORDERED this 30th day of March, 2021.

A handwritten signature in cursive script, appearing to read "Kimberly E. West", written in black ink.

KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE